

**NOTICE OF PUBLIC HEARING
PUBLIC HEARING NUMBER 03-009**

NOTICE IS HEREBY GIVEN, the Tennessee Department of Environment and Conservation, Division of Water Pollution Control will hold a public hearing, pursuant to Rule 1200-4-1-.05 at:

**Thursday, October 23, 2003
6:30 P.M.
Cafeteria
Donelson Senior Citizens Center
108 Donelson Pike
Donelson, TN**

Public comments will be received concerning the proposed issuance of a §401 Water Quality Certification (**Application No. 03-023**) to:

Cumberland Yacht Harbor to construct a commercial marina at Mill Creek mile 0.2. The proposed project shall require the excavation of approximately 600,000 cubic yards of material from an upland area adjacent to the east bank of Mill Creek and 14,028 cubic yards within Mill Creek. Dredging in Mill Creek will occur in two areas. The excavated and dredged material will be used in onsite construction with the excess material disposed of in a field adjacent to the west bank. The construction of the harbor and marina will impact approximately 2,900 linear feet of the east bank of Mill Creek with no impact proposed to the west bank. Material will be excavated from the harbor basin in the dry by leaving a levee between Mill Creek and the excavation. Floating silt curtains and numerous other erosion control measures will be utilized. The applicant will compensate for the loss of riparian habitat along Mill Creek with revegetation, bank stabilization, habitat conservation and restoration in Mill Creek.

The hearing officer may limit the length of oral presentations in order to allow all parties the opportunity to speak, and will require that all testimony be relevant to water quality issues. Written testimony will be accepted at the hearing and will be considered part of the hearing record. The public is also invited to submit comments in writing to the Division at the address below. The comments must be received by close of business on October 31, 2003. After considering all public comments a final permit decision and notice of the Division's determinations will be announced

Interested persons may obtain additional information, or inspect and copy related documents at the Division of Water Pollution; Natural Resources Section; 7th Floor, L and C Annex; 401 Church Street; Nashville, TN 37243-1534.

The Tennessee Department of Environment and Conservation is committed to principles of equal opportunity, equal access and affirmative action. Contact the Department's EEO/AA Coordinator at (615) 532-0103 or the DAD Coordinator, Issac Okoreeh-Baah for further information. Hearing impaired callers may use the Tennessee Relay Service, 1-800-848-0298.

Division of Water Pollution Control
6th Floor, L and C Annex
401 Church Street
Nashville, TN 37243-1534

September 16, 2003

Ms. Virgie Ward
The Tennessean
1100 Broadway
Nashville, TN 37203

Dear Ms. Ward:

Please insert the enclosed Legal Notice in the Tennessean for one day only, on Monday September 22, 2003 or as soon as possible. Please use Agate 6 point type if possible.

Upon completion of publishing the Legal Notice, please submit in triplicate, copies of the invoice and "Proof of Advertisement" statement with clipping of the Legal Notice to: Ms. Anita Boner, Administrative Services Assistant, Division of Water Pollution Control; 6th Floor, L and C Annex; 401 Church Street; Nashville, TN. 37243-1534.

If you have any questions regarding this correspondence please contact Mike Lee at (615) 532-0712.

Sincerely,

Mike Lee
Natural Resources Section

enclosure.

FOR IMMEDIATE RELEASE

FOR INFORMATION CALL:
MIKE LEE
(615) 532-0712

NASHVILLE, TENNESSEE, September 16, 2003

The Tennessee Division of Water Pollution Control plans to seek public comments regarding the **proposed issuance of a §401 Water Quality Certification (Application # 03-023) to Cumberland Yacht Harbor** to construct a commercial marina at Mill Creek mile 0.2. The proposed project shall require the excavation of approximately 600,000 cubic yards of material from an upland area adjacent to the east bank of Mill Creek and 14,028 cubic yards within Mill Creek. Dredging in Mill Creek will occur in two areas. The excavated and dredged material will be used in onsite construction with the excess material disposed of in a field adjacent to the west bank. The construction of the harbor and marina will impact approximately 2,900 linear feet of the east bank of Mill Creek with no impact proposed to the west bank. Material will be excavated from the harbor basin in the dry by leaving a levee between Mill Creek and the excavation. Floating silt curtains and numerous other erosion control measures will be utilized. The applicant will compensate for the loss of riparian habitat along Mill Creek with revegetation, bank stabilization, habitat conservation and restoration in Mill Creek.

The U.S. Army Corps of Engineers (COE) and the State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control, issued a joint Public Notice concerning the application on May 1, 2003. The proposed activity now requires that the Division certify the proposed activity under State laws and regulations promulgated pursuant to the Clean Water Act. Due to requests during the public comment period **the Division will hold a Public Hearing on Thursday, October 23, 2003 at 6:30 p.m. in the Cafeteria Room in the Donelson Senior Citizens Center; 108 Donelson Pike; Donelson, TN.** The Division is requesting comments on the issuance of the §401 Water Quality Certification. Anyone interested in presenting oral or written comments is urged to attend. The hearing officer will limit all testimony in the interest of time, however, all persons desiring to speak will be afforded an opportunity to do so. The public is also invited to submit comments in writing to the Division at the address below. The comments must be received by close of business on October 31, 2003. After considering all public comments a final permit decision and notice of the Division's determinations will be announced.

Interested persons may obtain additional information, inspect, and copy forms and related documents at the Division of Water Pollution Control, Natural Resources Section; 7th Floor, L and C Annex, 401 Church Street, Nashville, TN 37243-1534.

Division of Water Pollution Control
6th Floor, L and C Annex
401 Church Street
Nashville, TN 37243-1534

September 16, 2003

Editor
The Tennessee Tribune
1501 Jefferson Street
Nashville, TN 37208

Dear Sir/Madam:

Please insert the enclosed Legal Notice in The Tennessee Tribune for one day only, in the edition published during the week of Monday, September 22, 2003, or as soon as possible. Please use Agate 6 point type if possible.

Upon completion of publishing the Legal Notice please submit in triplicate copies of the invoice and 'Proof of Advertisement' statement with clipping of the Legal Notice to: Ms. Anita Boner, Administrative Services Assistant; Division of Water Pollution Control; 6th Floor, L and C Annex; 401 Church Street; Nashville, TN 37243-1534.

If you have any questions regarding this correspondence please contact Mike Lee at (615) 532-0712.

Sincerely,

Mike Lee
Natural Resources Section

enclosure.

PUBLIC HEARING NOTICE

OF PROPOSED CONSTRUCTION OF CUMBERLAND YACHT HARBOR MARINA AT MILL CREEK MILE 0.2

NRS #03-023 - September 18, 2003

CUMBERLAND YACHT HARBOR

To construct a commercial marina at Mill Creek mile 0.2. The proposed project shall require the excavation of approximately 600,000 cubic yards of material from an upland area adjacent to the east bank of Mill Creek and 14,028 cubic yards within Mill Creek. Dredging in Mill Creek will occur in two areas. The excavated and dredged material will be used in onsite construction with the excess material disposed of in a field adjacent to the west bank. The construction of the harbor and marina will impact approximately 2,900 linear feet of the east bank of Mill Creek with no impact proposed to the west bank. Material will be excavated from the harbor basin in the dry by leaving a levee between Mill Creek and the excavation. Floating silt curtains and numerous other erosion control measures will be utilized. The applicant will compensate for the loss of riparian habitat along Mill Creek with revegetation, bank stabilization, habitat conservation and restoration in Mill Creek.

TO WHOM IT MAY CONCERN: The application described above has been submitted for an Aquatic Resource Alteration Permit pursuant to *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108.

The purpose of this notice is to advise all concerned that the Tennessee Department of Environment and Conservation will hold a PUBLIC HEARING on the application. The Hearing will be held in the Cafeteria in the Donelson Senior Citizens Center, 108 Donelson

Pike, Donelson, TN on Thursday, October 23, 2003 at 6:30 pm.

Anyone interested in presenting oral or written comments on the issuance of the Aquatic Resource Alteration Permit is urged to attend. The hearing officer will limit all testimony in the interest of time, however, all persons desiring to speak will be afforded an opportunity to do so.

Interested persons may obtain additional information, inspect, and copy forms and related documents at the Division of Water Pollution Control, Natural Resources Section; 7th Floor, L and C Annex, 401 Church Street, Nashville, TN 37243-1534 or at the Tennessee Department of Environment and Conservation Memphis Environmental Assistance Center, Suite E-645 Perimeter Park, 2510 Mount Moriah Road, Memphis, TN 38115-1520.